IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WA.No. 2349 of 2006()

AGAINST THE JUDGEMENT/ORDER IN WPC.20850/2006 Dated 11/08/2006

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APPELLANT: PETITIONER:

M.P. PRATHAPAN, LINEMAN GRADE-1,
ELECTRICAL SECTION, KARUNAGAPPALLY (NORTH)
KOLLAM.

BY ADV. SMT.S.KARTHIKA
SRI.M.R.ANISON

RESPONDENTS:
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1. THE KERALA STATE ELECTICITY BOARD,
REP. BY ITS SECRETARY, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER (H.R.M.)
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI. K.S. ANIL, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.A. NO. 2349 OF 2006

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Dated this the 18th day of December 2006

JUDGMENT

Abdul Gafoor,J

The appellant/writ petitioner is admittedly working as a Lineman Grade -I. He is an engineering graduate. Further it is admitted by him that there are engineering graduates working in the posts like Overseer higher than the one hold by him. Ten per cent of the posts of Assistant Engineer is reserved for graduates in service. When persons are chosen for promotion to that 10 per cent as Assistant Engineer, length of service shall be reckoned irrespective of the category, it is contended. In such circumstances, persons like the petitioner holding the lower posts of Lineman Grade-I shall be promoted as Assistant Engineer over persons holding higher posts of Overseers, it is submitted. This submission was discarded by the learned single Judge rightly relying on Rule 28(b)(1)(7) of the general rules in KS & SSR which reads as under:

> "When there are more than one feeder category carrying different scales of pay they shall be shown in separate lists and persons in a lower scale of pay shall be appointed only after appointing all persons on a higher scale of pay unless the special Rules prescribe a ratio or any special order of preference for each feeder category."

This view is perfectly in consonance with the statutory rules adopted by the K.S.E. Board. There is nothing arbitrary or unreasonable on the part of the authorities in adopting that standard. Therefore, we find no reason to reverse the impugned judgment.

The writ appeal is dismissed as above.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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